

REMARKS

The Office Action dated January 11, 2008 has been received and its contents carefully noted.

Claims 40-53, 59-62, 64, 66, and 68-76 are pending in the application.

Claims 59-62, 66, 68 and 73 are withdrawn from consideration in response to the Examiner's restriction requirement.

Claims 40-53, 64, 69-72 and 74-76 stand rejected.

New independent claim 77 is added. Support for this amendment may be found throughout the PCT application as filed, for example, on page 1, lines 25 to 32, on page 5, lines 23 to 36 and on page 6, lines 26 to 30. New independent method claim 77 is also supported for the same reasoning as set forth below in relation to the discussion of independent device claims 40 and 48. No new matter is added nor are new issues presented for search and consideration by way of the amendment.

Claim Rejections 35 U.S.C. § 112

On page 3, paragraph 3 of the Office Action, the Examiner has rejected claims 40-53, 64, 69-72 and 74-76 for failing to comply with the written description requirement. The Examiner asserts that the term "control means, having a first mode in which whenever the releasable connector is released, the control means effects at least partial disablement of the device in response to the release of the releasable connector", constitutes added new matter. Applicant respectfully disagrees and traverses the Examiner's rejections for at least the following cogent reasons.

The Examiner's attention is drawn to page 5, lines 23 to 25 of the PCT application as filed which recites that "a connector 24 which connects the telephone to a person is designed so that it will release the connection when the telephone 2, attached to a person, is grabbed by a thief."

It is further recited at page 5, lines 28 to 31 that "a sensor 22, illustrated in Fig. 1, is arranged to sense when the telephone 2, which is attached to a person, has been grabbed by a thief. This is preferably done by sensing when the connector 24 ceases to connect the telephone 2 to a person".

The above referenced portions at page 5 of the PCT application as filed clearly set out that the sensor 22 is arranged to sense the moment at which the connector 24 is released from connection with the telephone 2, for example, because the telephone 2 has been grabbed by a thief.

It should be further noted that page 5, line 10 and Fig. 1 disclose that the sensor 22 provides an input to a controller 10, and at page 6, lines 26 to 27 it is recited that “in response to the activation of the sensor 22 the controller 10 when in an active mode effects at least partial disablement of the telephone 2”.

Therefore it is seen that the controller 10, when in its active mode, effects at least partial disablement of the telephone 2 in response to receiving an input from the sensor 22 at the moment the connector 24 is released from the telephone 2 (e.g. because the telephone 2 has been grabbed by a thief).

Thus it is submitted the term, “control means, having a first mode in which whenever the releasable connector is released, the control means effects at least partial disablement of the device in response to the release of the releasable connector” recited in independent claim 40 is clearly supported in the application as filed and does not constitute added matter. Applicant respectfully requests withdrawal of the rejection of independent claim 40 under 35 U.S.C. §112.

Likewise it is submitted the equivalent term in independent claim 48 does not constitute added matter for similar reasoning as set forth above in connection with the discussion of independent claim 40. Applicant respectfully requests withdrawal of the rejection of independent claim 48 under 35 U.S.C. §112.

Claim Rejections 35 U.S.C. §103

At pages 4-9, paragraph 4 of the Office Action, the Examiner rejects independent claims 40 and 48 and dependent claims 41-45, 49-52 and 64 under 35 U.S.C. §103(a) for being unpatentable over Sasakura (U.S. Pat. No. 6,151,493) in view of Briffett (U.S. Pat. No. 6,151,665).

Sasakura discloses a cellular phone 30 and a transmission unit 10 which is worn by the owner of the cellular phone 30. The transmission unit 10 is card-shaped (see column 3, lines 45 to 46) and may be kept in the owner’s breast pocket (see column 3, lines 52 to 53). The transmission unit 10 sends a signal to the phone 30 to keep it in operation. When the phone 30 is

more than a predetermined distance from the transmission unit 10, and the strength of the signal sent by the transmission unit 10 drops below a threshold level, the phone 30 is disabled using a canceling unit 20 and an AND gate 36a in the phone 30 (see column 4, lines 14 to 28).

The canceling unit 20 provides an input to AND gate 36a. If the signal presence determination unit 22b in the canceling unit 20 determines that no ID signal is being received from the transmission unit 10, it outputs a signal to stop a signal generator 26 from producing a use prohibition canceling signal to the AND gate 36a. It appears that if this canceling signal is not sent from the signal generator 26 to the AND gate 36a via the switch 37c, the user will be unable to use the number and function keys 37a. Therefore, if a signal is not received from a transmission unit 10, the cellular phone 30 is completely disabled.

Briffett discloses a mobile telephone 1 comprising a telephone proximity unit 16 and a belt clip assembly 20 comprising a belt clip proximity unit 46. The telephone proximity unit 16 comprises a detecting contact 82 and the belt clip proximity unit 46 comprises a detecting contact 62. When the telephone 1 is situated in the belt clip assembly 20, the detecting contacts 62, 82 electrically contact each other. In the absence of electrical contact between the detecting contacts 62, 82, the telephone proximity unit 16 and the belt proximity unit 46 are switched on (column 4, lines 36 to 39). The telephone proximity unit 16 then transmits a master proximity signal S2 to the belt proximity unit 46. After receiving the master proximity signal S2, the belt proximity unit 46 transmits a slave acknowledgement proximity signal S1 to the telephone proximity unit 46.

If the telephone proximity unit 16 does not receive the signal S1 (e.g. because it is not within the transmission range of the belt clip proximity unit 46), the telephone proximity unit 16 sounds an alarm and sends instructions to a microprocessor 4 of the telephone 1 “which switches the telephone 1 from its normal mode in which it waits to have a PIN number entered and all other functions of the telephone, such as the capability to receive or place a call, are unavailable to the user” (column 4, line 62 to column 5, line 10).

The Examiner is treating Sasakura as the primary reference and has stated on page 4 of the Office Action that Sasakura teaches the “unauthorized separation detection means” of independent claim 40. The Examiner has also stated that Sasakura teaches “control means, having a first mode... which effects partial disablement of the device.... but fails specifically to teach a (sic) whenever a releasable connector connecting the device is released”.

The Examiner therefore appears to acknowledge that Sasakura does not teach “control means, having a first mode in which whenever the releasable connector is released, the control

means effects at least partial disablement of the device in response to the release of the releasable connector” as required by independent claim 40.

Applicant concurs with the Examiner’s apparent acknowledgement that Sasakura does not teach “control means, having a first mode in which whenever the releasable connector is released, the control means effects at least partial disablement of the device in response to the release of the releasable connector” as required by independent claim 40.

The Examiner continues by stating “however, Briffett teaches a release of a releasable connector connecting the device to a person”, referring to a belt clip proximity unit 46 and a telephone proximity unit 16 disclosed in Briffett.

The Examiner goes on to assert that “it would have been obvious to one of ordinary skill in the art to combine the teaching of Briffett with the system of Sasakura for the benefit of achieving an arrangement that includes a belt clip assembly which enables a user to attach a telephone to his belt for convenient transportation”.

Applicant respectfully disagrees with the Examiner that the skilled person would have been motivated to combine the teaching of Briffett and Sasakura for the reasons mentioned by the Examiner. However, even if one of ordinary skill in the art were to combine the disclosures of Briffett with the disclosures of Sasakura for the reasons mentioned by the Examiner, the resulting apparatus would not fall within the scope of independent claim 40.

The system disclosed in Briffett is similar in many ways to that of Sasakura. Both of the systems disclose a mobile telephone (the mobile telephone 1 in Briffett and the cellular phone 30 in Sasakura) and an associated radio device (the belt clip assembly 20 in Briffett and the card-shaped transmission unit 10 in Sasakura).

In both the Briffett and Sasakura documents, the mobile telephone remains in full operation while it is receiving radio signals from the associated radio device, and is disabled only if a radio signal is not received as expected from the associated radio device.

In particular, it should be noted that in Briffett, disablement of the mobile telephone 1 is not a direct consequence of the mobile telephone 1 being removed from the belt clip assembly 20,

but rather a direct consequence of the mobile telephone 1 being moved out of the transmission range of the belt clip proximity unit 46 of the belt clip assembly 20. This is because the mobile telephone 1 remains fully operational until it is moved out of the transmission range of the belt clip assembly 20.

If a person of ordinary skill in the art were to replace the card-shaped transmission unit 10 of Sasakura with the belt clip assembly 20 of Briffett, the apparatus resulting from the combination may well enable a user to attach a telephone to the belt clip assembly for transportation, as mentioned by the Examiner.

However, Applicant points out that it should be recognized that, as Briffett and Sasakura both disclose a telephone that is only disabled if a radio signal is not received as expected from the associated radio device, a combination of Briffett and Sasakura would not result in anything that would fall within the scope of independent claim 48. That is, the apparatus resulting from the combination of Briffett and Sasakura clearly would not comprise “control means, having a first mode in which whenever the releasable connector is released, the control means effects at least partial disablement of the device in response to the release of the releasable connector” as required by independent claim 40.

It should also be clear that both Briffett and Sasakura teach away from the invention, because they teach effecting disablement of a mobile telephone in response to the diminution of a radio connection between the mobile telephone and an associated radio device, rather than effecting disablement of a mobile telephone directly in response to the release of a releasable connector.

Applicant submits that independent claim 40 is novel and non-obvious in view of the disclosures made in Briffett and Sasakura for at least the above reasoning. Independent claim 48 and the new independent method claim 77 are also submitted to be novel and non-obvious for at least the same reasoning as applied to independent claim 40.

With regard to dependent claims 41-45, 49-52 and 64, these claims are dependent directly or indirectly on independent claims 40 and 48. As clearly discussed and explained above in connection with independent claims 40 and 48, it is submitted that these dependent claims are novel and non-obvious for at least the same reasoning as set forth above in connection with independent claims 40 and 48 and for further features not recited in connection with independent claims 40 and 48 from which they depend.

At pages 9-10, paragraph 5 of the Office Action, the Examiner attempts to combine the teachings of Rohrbach (U.S. Patent No. 5,898,783) with the Sasakura-Briffett combination to reject dependent claims 46, 47 and 53. As clearly discussed and explained above in connection with independent claims 40 and 48, Applicant's invention as disclosed and claimed is not shown by the combination of Sasakura and Briffett. Applicant submits the addition of the teachings of Rohrbach do not overcome the deficiencies of the Sasakura-Briffett combination. Accordingly, dependent claims 46, 47 and 53 are likewise distinguishable and allowable for similar reasoning and for further features clearly set forth therein.

At pages 11-12, paragraph 6 of the Office Action, the Examiner attempts to combine the teachings of Namekawa (U.S. Patent No. 4,809,316) with the Sasakura-Briffett combination to reject dependent claims 69-72. As clearly discussed and explained above in connection with independent claims 40 and 48, Applicant's invention as disclosed and claimed is not shown by the combination of Sasakura and Briffett. Applicant submits the addition of the teachings of Namekawa do not overcome the deficiencies of the Sasakura-Briffett combination. Accordingly dependent claims 69-72 are likewise distinguishable and allowable for similar reasoning and for further features clearly set forth therein.

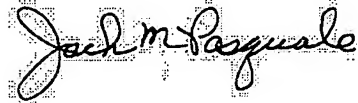
In sum, Applicant's invention as disclosed and claimed is both novel and non-obvious over the cited art of record as both Briffett and Sasakura teach effecting disablement of a mobile telephone in response to the diminution of a radio connection between the mobile telephone and an associated radio device, rather than effecting disablement of a mobile telephone directly in response to the release of a releasable connector.

In view of the foregoing, Applicant respectfully requests withdrawal of the rejections under 35 U.S.C. §103.

Conclusion

Applicant submits that all the claims of the application are now in condition for allowance and earnestly solicits such action at an early date. The Examiner is invited to call Applicant's attorney if any questions remain following review of this response.

Respectfully submitted,

A handwritten signature in black ink that reads "Jack M. Pasquale". The signature is written in a cursive style with a large, stylized "J" and "P".

Jack M. Pasquale
Attorney for the Applicant
Registration No. 31,052

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JMP/kap
WARE, FRESSOLA, VAN DER SLUYS
& ADOLPHSON LLP
755 Main Street, P.O. Box 224
Monroe, Connecticut 06468
(203) 261-1234